

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jeffrey L. Nielsen,

Plaintiff,

v.

Civil No. 11-1580 (JNE/TNL)
ORDER

Stephen Carl Bohnen and
Keith Francis Mueller,

Defendants.

This case is before the Court on the motions of Defendants Keith Francis Mueller and Stephen Carl Bohnen to dismiss Plaintiff Jeffrey L. Nielsen's claim under the Driver's Privacy Protection Act, 18 U.S.C. §§ 2721–2725 (2006). On August 25, 2011, an Order directed that judgment be entered granting Defendant Mueller's Motion to Dismiss. However, the Order did not address Defendant Bohnen's Motion to Dismiss. Therefore, judgment should not have been entered on August 26, 2011. *See* Fed. R. Civ. P. 54(b).

Defendant Bohnen also filed a Motion to Dismiss. In his motion, he relies upon Defendant Mueller's Memorandum of Law in Support of his Motion to Dismiss. The Court granted Defendant Mueller's Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, because Plaintiff's bare-bones complaint failed to satisfy the pleading standard set forth in *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009), and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). The complaint is equally deficient with respect to the claim against Defendant Bohnen. It contains no factual allegations and fails to address all of the elements of the cause of action. Therefore, for the same reasons as set forth in the August 25th Order, the Court dismisses the complaint with respect to Defendant Bohnen pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT
IS ORDERED THAT:

1. The Judgment entered on August 26, 2011 [Docket No. 25] is VACATED.
2. Defendant Stephen Carl Bohnen's Motion to Dismiss [Docket No. 16] is GRANTED.
3. The complaint is DISMISSED as to both Defendants Bohnen and Mueller.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 26, 2011

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge